

REMARKS

1. Present Status of Patent Application

Subsequent to the decision of the Board of Patent Appeals and Interferences (Appeal 2009-1312, decided April 29, 2009), Claims 1, 3-34, and 36-38 have been cancelled by the Examiner. Claim 35 is indicated as being allowable if rewritten in independent format. The amendment to Claim 35 is specifically described hereinafter. It is believed that the foregoing amendment adds no new matter to the present application. Applicant hereby respectfully requests reconsideration of the application and allowance of Claim 35 as amended.

2. Amended Claim 35

In view of the withdrawal of the rejection of Claim 35 during the Appeal of the instant case, and as indicated by the present Office Action that Claim 35 would be allowable if rewritten in independent format with all of the limitations of its independent base claim and any intervening claims, Applicant has accordingly amended Claim 35. Applicant respectfully requests entry of the amendment to Claim 35.

3. Conclusion

In light of the foregoing amendment and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending Claim 35 is in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite allowance of Claim 35, the Examiner is invited to call the undersigned attorney at 206.957.2162.

BLACK LOWE & GRAHAM^{PLLC}



Raymond W. Armentrout

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Registration No. 45,866
Direct Dial: 206.957.2162